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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:21-mj-00985-NJK

Plaintiff,

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (First Request)**

GEORGE MCHUGH,

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and Jacob Operkalski, Assistant United States Attorney, counsel for the United States of America, and Nicholas Wooldridge, Esq., counsel for Defendant George McHugh, that the Court vacate the preliminary hearing scheduled for December 3, 2021, at 4:00 p.m. and reschedule the hearing for a date and time convenient to this Court, but no sooner than 30 days from the currently scheduled date.

This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21 days of a released defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
3 preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial
4 appearance] if [the defendant is] not in custody.”

5 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
6 showing of good cause—taking into account the public interest in the prompt disposition of
7 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
8 times.”

9 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
10 information or indictment charging an individual with the commission of an offense shall be
11 filed within thirty days from the date on which such individual was arrested or served with a
12 summons in connection with such charges. If an individual has been charged with a felony
13 in a district in which no grand jury has been in session during such thirty-day period, the
14 period of time for filing of the indictment shall be extended an additional thirty days.”

15 4. Moreover, the parties intend to enter into negotiations in an attempt to
16 promptly resolve this case and reduce the judicial and government resources required by
17 this case.

18 5. The additional time requested herein is not sought for the purposes of delay,
19 but to allow counsel for Defendant sufficient time to effectively and thoroughly research and
20 prepare and to determine whether to proceed with a preliminary hearing and indictment or
21 to resolve this case through negotiations.

22 6. Accordingly, the parties jointly request that the Court schedule the
23 preliminary hearing in this case no sooner than 30 days from the currently scheduled date.

7. Defendant is out of federal custody, agrees to the extension of the 21-day deadline imposed by Rule 5.1(c) and the deadline imposed by 18 U.S.C. § 3161(b), waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), and requests that the time between Defendant's initial appearance on November 19, 2021 and the rescheduled preliminary hearing be excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. § 3161(b).

8. The parties agree to the extension of these deadlines.

9. Accordingly, the additional time requested by this stipulation is (a) allowed under Federal Rule of Criminal Procedure 5.1(d); and (b) excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

10. This is the first request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 29th day of November, 2021.

Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Nicholas Wooldridge
NICHOLAS WOOLDRIDGE, ESQ.
Counsel for Defendant
GEORGE MCHUGH

/s/ Jacob H. Operskalski
JACOB OPERSKALSKI
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:21-mj-00985-NJK

Plaintiff,

V.

GEORGE MCHUGH,

**Order on Stipulation to
Continue Preliminary Hearing and
Deadline to Indict Defendant**

Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of being served; the time requested by this stipulation being excludable in computing the within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for December 3, 2021, at the hour of 4:00 p.m., be vacated and continued to January 6, 2022, at 4:00 p.m.

DATED: November 29, 2021.

HONORABLE NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE